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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  JOYCE MICHELLE DYER,

12                  Plaintiff,

13                  v.

14                  UNKNOWN FEMALE PIERCE COUNTY  
15                  DISTRICT COURT CLERK,

16                  Defendant.

17                  Case No. C05-5693FDB

18                  ORDER TO SHOW CAUSE

19  
20                  This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28  
21 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the court on plaintiff's filing of an  
22 application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a  
23 complaint and initiate legal proceedings plaintiff must pay a filing fee of \$250.00 or file a proper  
24 application to proceed *in forma pauperis*.

25                  On October 20, 2005, the clerk received plaintiff's complaint. (Dkt. #1). That same day, the clerk  
26 sent plaintiff a letter informing her that she must either pay the \$250.00 court filing fee or submit a proper  
27 application to proceed *in forma pauperis* by November 25, 2005, or this matter could be subject to  
28 dismissal. (Dkt. #3). On November 18, 2005, the clerk received an *in forma pauperis* application from

1 plaintiff. That application, however, contains the following deficiencies.

2 Pursuant to 28 U.S.C. § 1915(a)(2):

3 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or  
4 proceeding without prepayment of fees or security therefor . . . shall submit a certified  
5 copy of the trust fund account statement (or institutional equivalent) for the prisoner for  
6 the 6-month period immediately preceding the filing of the complaint or notice of appeal,  
7 obtained from the appropriate official of each prison at which the prisoner is or was  
8 confined.

9 Plaintiff thus is required to submit a statement showing the balance and activity of her account for the six-  
10 month period immediately preceding the filing of his complaint. Here, plaintiff has submitted a copy of her  
11 “inmate cash account file” at the Yakima County Department of Corrections and her “inmate property  
12 inventory” form from the Pierce County Detention and Corrections Center, neither of those documents  
13 show the activity and balance of her prison or jail account(s) for the six months immediately proceeding the  
14 filing of her complaint.

15 In addition, Local Rule CR 3(b) provides in relevant part:

16 At the time application is made under 28 U.S.C. § 1915 or other applicable acts of  
17 Congress, for leave to commence any civil action or to file any petition or motion without  
18 being required to prepay fees and costs or give security for them, each petitioner, movant  
19 or plaintiff shall:

- 20 (1) Complete the in forma pauperis affidavit approved for use in this district; and
- 21 (2) File a written consent that the recovery, if any, in the action, to such amount as  
22 the court may direct, shall be paid to the clerk who may pay therefrom all unpaid fees and  
23 costs taxed against the plaintiff, and to his attorney the amount which the court allows or  
24 approves as compensation for the attorney’s services.

25 Plaintiff, however, has not submitted the written consent required by Local Rule CR 3(b)(2).

26 Accordingly, this court orders the following:

- 27 (1) Plaintiff shall seek to cure these deficiencies by filing **no later than January 5, 2006**, (a) a  
28 copy of her prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2) showing the  
balance and activity of her account(s) for the six-month period immediately preceding the  
filing of her complaint; and (b) a copy of the written consent required by Local Rule CR  
3(b).

29 **Failure to cure these deficiencies by the above date shall be deemed a failure to  
30 properly prosecute this matter and the court will recommend dismissal of this matter.**

- 31 (2) The clerk is directed to send a copy of this Order to plaintiff along with the appropriate  
32 written consent form.

1 DATED this 5th day of December, 2005.  
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5 Karen L. Strombom  
6 United States Magistrate Judge  
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